

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Kenichi MIYOSHI et al.

Art Unit 2617

Appln. No.: 10/520,787

Exr. L. Miah

Filed: January 11, 2005

Conf. No. 2438

For: RECEIVING APPARATUS, TRANSMITTING APPARATUS AND
COMMUNICATION METHOD

RESPONSE UNDER 37 CFR § 1.116 AND
SUMMARY OF SUBSTANCE OF TELEPHONE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Rejection dated December 22, 2008, the Applicants respectfully request reconsideration and allowance of this application in light of the following remarks.

The Applicants wish to thank the examiner, Liton Miah, for the courtesy extended to the undersigned, during a telephone interview conducted on January 29, 2009. The interview was conducted to determine whether the reference to "Sylvain" on page 8 of the Final Rejection was meant to refer to Sato. The examiner agreed that such was the case.

Claims 8, 9, 11-14, 16, and 17 stand rejected, under 35 USC §103(a), as being unpatentable over Sato (US 5,771,467) in view of Parkvall et al. (US 2002/0080719). Claims 10 and 15 stand rejected, under 35 USC §103(a), as being unpatentable over Sato in view of

Parkvall and Faerber (US 2003/0031143). The Applicants respectfully traverse these rejections based on the points set forth below.

Claim 8 defines a radio receiving apparatus that transmits a suspend signal to a radio transmitting apparatus based on a measured reception quality of data communicated from the radio transmitting apparatus to the radio receiving apparatus.

The Final Rejection proposes that Sato discloses this subject matter (see Final Rejection section 5, second paragraph).

However, Sato discloses, in Fig. 1, a mobile data terminal 10 that communicates with a stationary data terminal (not shown) via a wireless communication medium provided by a wireless mobile terminal 11 and a wireless base station (not shown). When the measured reception quality of data received by wireless mobile terminal 11 from the wireless base station becomes excessively poor, wireless mobile terminal 11 instructs its associated data terminal 10 to halt communication (see Sato col. 3, lines 42-53).

Thus, Sato's wireless mobile terminal 11 sends a halt command to its associated data terminal 10 when wireless mobile terminal 11 poorly receives communication from the wireless base station. Claim 8 recites a radio receiving apparatus that transmits a suspend signal to a radio transmitting apparatus based on the measured reception quality of data communicated from the radio transmitting apparatus to the radio receiving apparatus.

The Applicants' claimed subject matter differs from Sato's system in that the Applicants' claimed radio receiving apparatus sends a suspend signal to a transmitting apparatus based on the quality of data received from this transmitting apparatus, whereas Sato's wireless mobile terminal 11 sends a suspend command to one transmitting apparatus (e.g., first transmitting device) based

on the quality of data received from another transmitting apparatus (e.g., a second transmitting device). And Parkvall is not cited in the Final Rejection for supplementing the teachings of Sato with regard to this difference.

Accordingly, the Applicants submit that the teachings of Sato and Parkvall, considered individually or in combination, do not render obvious the subject matter defined by claim 8. Independent claim 13 similarly recites the above-mentioned subject matter distinguishing apparatus claim 8 from the applied references, but with respect to a method. Therefore, the rejections applied to claims 10 and 15 are obviated and allowance of claims 8 and 13 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: March 4, 2009
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-04193
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559